

HOUSE BILL No. 4071

January 27, 2005, Introduced by Rep. Hildenbrand and referred to the Committee on Conservation, Forestry and Outdoor Recreation.

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by amending the title, as amended by 1996 PA 434, and by adding sections 43540a and 43540c.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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TITLE

An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural

1 resources of the state; to prescribe the powers and duties of
2 certain state and local agencies and officials; to provide for
3 certain charges, fees, ~~and~~ assessments, **AND DONATIONS**; to provide
4 certain appropriations; to prescribe penalties and provide
5 remedies; ~~to repeal certain parts of this act on a specific date;~~
6 and to repeal ~~certain~~ acts and parts of acts.

7 **SEC. 43540A. (1) THE DEPARTMENT SHALL CREATE A PROGRAM TO**
8 **DISTRIBUTE WILD GAME OR OTHER FOOD TO PEOPLE IN NEED. THE PROGRAM**
9 **SHALL BE KNOWN AS THE SPORTSMEN AGAINST HUNGER PROGRAM.**

10 **(2) UNDER THE PROGRAM, THE DEPARTMENT SHALL DO ALL OF THE**
11 **FOLLOWING:**

12 **(A) COLLECT FROM LICENSED HUNTERS DONATIONS OF LEGALLY TAKEN**
13 **GAME THAT COMPLIES WITH ALL STATE AND FEDERAL GAME LAWS, INCLUDING**
14 **ANY REQUIREMENT THAT THE PARTS OF THE GAME BE INTACT.**

15 **(B) CONTRACT FOR PROCESSING THE DONATED GAME.**

16 **(C) DISTRIBUTE THE PROCESSED GAME TO FOOD BANKS, SOUP**
17 **KITCHENS, AND OTHER CHARITABLE ORGANIZATIONS THAT PROVIDE MEALS OR**
18 **FOOD TO PEOPLE FREE OF CHARGE.**

19 **(D) PROMOTE THE PROGRAM THROUGH THE HUNTING LICENSE**
20 **DISTRIBUTION SYSTEM AND OTHER MEANS THAT WILL FURTHER THE MISSION**
21 **OF THE PROGRAM.**

22 **(3) UNDER THE PROGRAM, THE DEPARTMENT MAY REQUEST FINANCIAL**
23 **DONATIONS FROM HUNTERS TO OFFSET THE COST OF PROCESSING DONATED**
24 **GAME. THE FINANCIAL DONATIONS ARE TAX DEDUCTIBLE.**

25 **(4) THE DEPARTMENT MAY CONTRACT FOR THE ADMINISTRATION OF THE**
26 **PROGRAM BY A NONPROFIT ORGANIZATION THAT IS EXEMPT FROM TAXATION**
27 **UNDER SECTION 501(C)(3) OF THE INTERNAL REVENUE CODE, 26 USC 501,**

1 IF THE DEPARTMENT DETERMINES THAT IT IS MORE EFFICIENT TO DO SO.
2 SUBJECT TO THIS SUBSECTION, PAYMENTS UNDER THE CONTRACT SHALL BE
3 ADEQUATE TO COVER THE NONPROFIT ORGANIZATION'S COSTS IN
4 ADMINISTERING THE PROGRAM. HOWEVER, PAYMENTS SHALL NOT EXCEED THE
5 AMOUNT OF REVENUE AVAILABLE FOR SUCH PAYMENTS IN THE SPORTSMEN
6 AGAINST HUNGER FUND CREATED UNDER SECTION 43540C.

7 (5) TO QUALIFY TO ENTER A CONTRACT UNDER SUBSECTION (4), A
8 NONPROFIT ORGANIZATION MUST HAVE DEMONSTRATED A COMMITMENT TO THE
9 GOALS OF THE PROGRAM AND HAVE AT LEAST 5 YEARS OF BUSINESS
10 EXPERIENCE IN PROVIDING MEALS OR FOOD TO PEOPLE FREE OF CHARGE. THE
11 CONTRACT SHALL REQUIRE THAT THE CONTRACTING NONPROFIT ORGANIZATION
12 DO ALL OF THE FOLLOWING:

13 (A) MAINTAIN A LICENSE UNDER THE CHARITABLE ORGANIZATIONS AND
14 SOLICITATIONS ACT, 1975 PA 169, MCL 400.271 TO 400.294.

15 (B) MAINTAIN ADEQUATE STAFF TO PERFORM THE TASKS OUTLINED IN
16 THE CONTRACT.

17 (C) UNDERGO AN ANNUAL FINANCIAL AUDIT AND MAKE THE AUDIT
18 INFORMATION AND REPORT AVAILABLE TO THE DEPARTMENT.

19 (6) AS USED IN THIS SECTION, "PROGRAM" MEANS THE SPORTSMEN
20 AGAINST HUNGER PROGRAM CREATED UNDER SUBSECTION (1).

21 SEC. 43540C. (1) SUBJECT TO SUBSECTION (2), WHEN A PERSON
22 APPLIES FOR A LICENSE UNDER THIS PART, THE DEPARTMENT OR THE
23 DEPARTMENT'S AGENT SHALL ASK WHETHER THE PERSON WOULD LIKE TO
24 DONATE \$1.00 TO THE SPORTSMEN AGAINST HUNGER PROGRAM CREATED BY THE
25 DEPARTMENT UNDER SECTION 43540A AND, IF SO, SHALL COLLECT THE
26 DONATION WITH THE LICENSE FEE. A PERSON DESIGNATED BY THE
27 DEPARTMENT TO ISSUE LICENSES SHALL NOT RECEIVE A COMMISSION UNDER

1 SECTION 43541 FOR THE DONATION.

2 (2) SUBSECTION (1) APPLIES TO LICENSE APPLICATIONS MADE IN
3 PERSON BEGINNING NOVEMBER 1, 2005. SUBSECTION (1) APPLIES TO
4 LICENSE APPLICATIONS MADE BY ON-LINE COMPUTER SERVICE OR ANY OTHER
5 AUTHORIZED MEANS BEGINNING MARCH 1, 2005.

6 (3) A DONATION UNDER SUBSECTION (1) IS IN ADDITION TO THE
7 LICENSE FEE.

8 (4) THE DEPARTMENT SHALL TRANSFER DONATIONS UNDER SUBSECTION
9 (1) TO THE STATE TREASURER FOR DEPOSIT IN THE FUND.

10 (5) THE SPORTSMEN AGAINST HUNGER FUND IS CREATED WITHIN THE
11 STATE TREASURY.

12 (6) THE STATE TREASURER MAY RECEIVE MONEY OR OTHER ASSETS FROM
13 ANY SOURCE FOR DEPOSIT INTO THE FUND. THE STATE TREASURER SHALL
14 DIRECT THE INVESTMENT OF THE FUND. THE STATE TREASURER SHALL CREDIT
15 TO THE FUND INTEREST AND EARNINGS FROM FUND INVESTMENTS.

16 (7) MONEY IN THE FUND AT THE CLOSE OF THE FISCAL YEAR SHALL
17 REMAIN IN THE FUND AND SHALL NOT LAPSE TO THE GENERAL FUND.

18 (8) THE DEPARTMENT SHALL EXPEND MONEY FROM THE FUND, UPON
19 APPROPRIATION, ONLY FOR 1 OR MORE OF THE FOLLOWING PURPOSES:

20 (A) THE COSTS OF ADMINISTERING THE FUND, INCLUDING THE COSTS
21 OF COLLECTING DONATIONS TO THE FUND.

22 (B) THE ADMINISTRATION OF THE SPORTSMEN AGAINST HUNGER PROGRAM
23 CREATED UNDER SECTION 43540A, INCLUDING, IF APPLICABLE, THE COSTS
24 OF ANY CONTRACT WITH A NONPROFIT ORGANIZATION TO ADMINISTER THE
25 SPORTSMEN AGAINST HUNGER PROGRAM, AS AUTHORIZED UNDER SECTION
26 43540A(4).

27 (9) AS USED IN THIS SECTION, "FUND" MEANS THE SPORTSMEN

1 AGAINST HUNGER FUND CREATED IN SUBSECTION (5).